IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.18293 of 2006**

DATE OF DECISION: November 20, 2006

DUNI CHAND ...PETITIONER

VERSUS

STATE OF HARYANA & ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. S.S. DINARPUR, ADVOCATE FOR THE PETITIONER.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner is aggrieved by the order dated 29.03.2004 (Annexure P-5), passed by the Assistant Collector, Ist Grade, Yamunanagar, whereby they were ordered to be evicted from the land in dispute. The petitioner was further directed to pay penalty at the rate of Rs.10,000/- for causing loss to the Gram Panchayat. The petitioner filed an appeal before the Collector, who vide his order dated 20.06.2006 (Annexure P-7) dismissed the appeal on the ground that the petitioner had not deposited the penalty as imposed by the Assistant Collector.

Mr. Dinarpur, counsel for the petitioner, contends that the penalty imposed on the petitioner by the Assistant Collector, had been done arbitrarily without there being any material on record to impose such a penalty.

After hearing the learned counsel for the petitioner, we dispose of the present writ petition with a direction that the petitioner shall deposit a sum of Rs.5,000/- before the Collector within a period of 15 days, and in

case the amount is deposited, then his appeal shall be heard on merits by the Collector. Accordingly, the order (Annexure P-7) is quashed. The petitioner shall appear before the Collector on 18.12.2006.

However, the petitioner may raise all the points as raised in the present petition before the Collector, in case he deposit the penalty, as indicated above.

The petitioner shall not be dispossessed till 18.12.2006, that is the date when he will put in appearance before the Collector.

(ASHUTOSH MOHUNTA)
JUDGE

November 20, 2006
Gulati

(NIRMAL YADAV)
JUDGE